

Singler-Stein
PLCG

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-193770

DATE: January 29, 1979

MATTER OF: Vector Enterprises, Inc.

[Untimely Protest Concerning Technical Evaluation of Proposal Will Not Be Considered]

DIGEST:

Where protest is filed more than 10 working days after basis for protest is known, protest is untimely under GAO Bid Protest Procedures and not for consideration on the merits.

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Vector Enterprises, Inc. (Vector) protests the award of a contract to InterAmerican Research Associates, Inc. *PLG 00774* (InterAmerican) under request for proposals (RFP) No. 78-97, issued by the Office of Education, Department of Health, Education and Welfare (HEW) for the development of a consumer education resource network. Vector alleges that the HEW evaluators did not objectively evaluate its proposal, and were "negligent in their duties and/or purposely committed distortions of the truth." Vector further contends the reasons given by HEW for finding its proposal to be technically unacceptable are not valid. *96000550*
Protest is dismissed

The documents submitted by Vector indicate that the evaluators did not think highly of Vector's proposal. The evaluators' review forms show that while there were some strengths in Vector's proposal, there were many weaknesses. One evaluator assigned Vector's proposal a numerical rating of 48 (out of 100); the other evaluators gave the proposal ratings of 40, 23 and 13. Vector strongly disagrees with the evaluation, and has submitted its detailed rebuttal to each weakness found by each evaluator to exist in its proposal.

We find the protest to be untimely. Vector was advised by the contracting officer in a letter received October 13, 1978 that the contract was awarded to InterAmerican. By letter of October 23, 1978, Vector requested, under the provisions of the Freedom of Information Act, that HEW furnish copies of the technical

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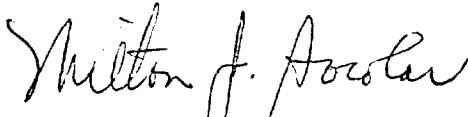
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evaluations of both Vector's and InterAmerican's proposals. Vector received the requested information on November 23, 1978. Vector's protest to this Office was filed on December 20, 1978.

Our Bid Protest Procedures require that a protest be filed with the contracting agency or with this Office not later than 10 days after the basis for protest is known. 4 C.F.R. § 20.2 (1978). Vector learned or should have learned of its grounds for protest upon its receipt of the proposal evaluation data on November 23, 1978. Its December 20, 1978 protest, obviously, was not filed within the required time period. Therefore, the protest is untimely filed and not for consideration on the merits. See Data Precision Corporation, B-185209, November 17, 1975, 75-2 CPD 318; Baytron Systems Corporation, B-192329, July 24, 1978, 78-2 CPD 67.

We point out that while our Procedures permit consideration of untimely protests when issues "significant to procurement practices or procedures" are involved, see 4 C.F.R. 20.2(c), we have held that objections to a technical evaluation of a proposal for a particular procurement do not raise such an issue. See Catalytic, Incorporated, B-187444, November 23, 1976, 76-2 CPD 445. Moreover, our review of the material submitted by the protester does not indicate the existence of any other basis for considering the protest.

The protest is dismissed.


Milton J. Socolar
General Counsel